

**Notice of Allowability**

Application No.

09/919,734

Applicant(s)

HAGIHARA ET AL.

Examiner

Art Unit

Anand Bhatnagar

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/10/05.
2. ☒ The allowed claim(s) is/are 1-4,6-8,10 and 12-20.
3. ☒ The drawings filed on 07/31/01 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

1. Applicant's amendment filed on 01/10/05 has been entered and made of record.
2. Applicant has amended claims 1, 4, 6, 10, 12, and 13. Applicant has canceled claims 5, 9, and 11. Currently claims 1-4, 6-8, 10, and 12-20 are pending.
3. Applicant in the remarks, page 9, filed on 01/10/05, invokes 35 USC 112, sixth paragraph on claims 1-4 and 6-8 because they are in means-plus-function format.

***Allowable Subject Matter***

3. Claims 1-4, 6-8, 10, and 12-20 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: Claims 1-4 and 6-8 are allowed based on applicant's invoking of 35-USC 112, sixth paragraph, on these claims as being in means-plus-function format. Claims 1-4 and 6-8 satisfy the requirements for 35USC 112, sixth paragraph, since there is no recital of structure, material, or acts in support thereof in these claims.

The closest prior art of Leser (U.S. patent 4,459,487) discloses to obtain the height of objects by the occlusion of the of parallel lines, due to the movement of the objects past these lines, situated in a oblique direction. Regarding claim 10, Lesser does not teach the feature of "storing a first value

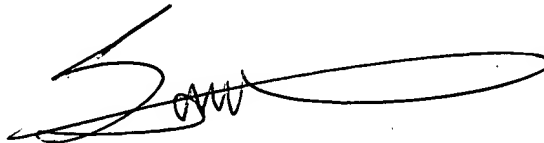
when the moving object has entered the first and second detection areas and storing a second value when the moving object has not entered the first and the second detection areas; generating a measurement code according to respective values stored; and deciding a length, in a longitudinal direction of said slit, of a moving object passing through said slit according to output of said first and second detection areas," that, in combination with the other claim limitations.

Regarding claim 13, Leser does not teach the feature of "generating measurement codes for the first and second object detection areas by taking a first value when a moving object enters the first detecting area and the second detecting areas and a second value when the moving object does not enter the first detecting area and the second detecting area," that, in combination with the other claim limitations. Regarding claim 14, Leser does not teach the feature of "a moving object measurer for determining a length of the moving object passing through the slit in a longitudinal direction of the slit according to output of the first and second moving object detectors wherein coordinates, on the image, of a start point and an end point of the first and second detecting areas can be set by an input device," that, in combination with the other claim limitations.

5. Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

**Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Bhatnagar whose telephone number is (571) 272-7416, whose supervisor is Amelia Au whose number is (571) 272-7414, group fax is 703-872-9306, and Tech center 2600 customer service office number is 703-306-0377.

A handwritten signature in black ink, appearing to read 'Samir Ahmed', with a large, stylized loop at the end.

**SAMIR AHMED  
PRIMARY EXAMINER**

Handwritten initials 'AB' in black ink, with the 'A' and 'B' connected.

Anand Bhatnagar

Art Unit 2623

May 30, 2005